

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

CIVIL ACTION NO. 11-20078

v.

DISTRICT JUDGE AVERN COHN

VICTOR JAYASUNDERA, ET AL.,

MAGISTRATE JUDGE MARK A. RANDON

Defendants.

**ORDER GRANTING DEFENDANT JAYASUNDERA'S MOTION
FOR ATTORNEY CONDUCTED VOIR DIRE (DKT. NO. 75) AND DENYING
HIS MOTION FOR SUPPLEMENTAL JURY QUESTIONNAIRE (DKT. NO. 80)**

Before the Court are Defendant Victor Jayasundera's motion for attorney conducted voir dire (Dkt. No. 75) and his motion for a supplemental jury questionnaire (Dkt. No. 80). The Government has not filed a response to either motion. On November 30, 2011, Judge Avern Cohn referred both motions to the undersigned for hearing and determination pursuant to 28 U.S.C. § 636(b)(1)(A).

The decision to allow attorney-conducted voir dire or a supplemental jury questionnaire falls within the discretion of the trial court. Fed. R. Civ. P. 24(a)(1) and (2); *Rosales-Lopez v. United States*, 451 U. S. 182, 189 (1981) ("Because the obligation to impanel an impartial jury lies in the first instance with the trial judge, and because he must rely largely on his immediate perceptions, federal judges have been accorded ample discretion in determining how best to conduct the voir dire.").

Having reviewed both motions and the proposed/sample supplemental jury questionnaire, the undersigned finds that the proposed jury questionnaire will not assist the Court or counsel in selecting a fair and impartial jury. However, the Court will permit the attorneys to conduct the voir dire, subject to reasonable time limits, to be placed on the record before jury selection. Accordingly,

IT IS ORDERED that Defendant's motion for attorney conducted voir dire IS GRANTED and his motion for a supplemental jury questionnaire IS DENIED.

IT IS FURTHER ORDERED that the parties shall exchange a list of proposed voir dire questions at least two business days prior to jury selection so that any objections can be ruled upon before jury selection begins.

So Ordered.

s/Mark A. Randon

Mark A. Randon

United States Magistrate Judge

Dated: December 15, 2011

Certificate of Service

I hereby certify that a copy of the foregoing document was served on the parties of record on this date, December 15, 2011, electronically.

s/Melody R. Miles

Case Manager to Magistrate Judge Mark A. Randon

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